

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

ADMIRAL METALS SERVICENTER CO.,
INC.,
Plaintiff,

v.

FEUZ MANUFACTURING, INC. and
GARY A. FEUZ, individually,
Defendants,

v.

GENERAL ELECTRIC COMPANY and
EMPIRE RECYCLING OPERATIONS,
INC.,

Reach and Apply Defendants.

CIVIL ACTION
NO.: 04 12204 JLT

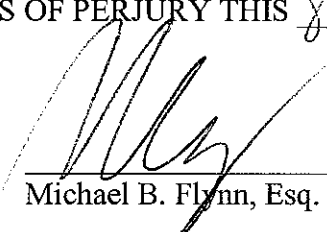
**AFFIDAVIT OF MICHAEL B. FLYNN, ESQ. IN SUPPORT
OF DEFENDANTS' PROVISIONAL OPPOSITION TO
THE PLAINTIFF'S MOTION FOR INJUNCTION**

I, Michael B. Flynn, an attorney duly admitted to practice law in the Commonwealth of Massachusetts and the United States District Court for the District of Massachusetts, do hereby swear and attest to the following:

1. I am counsel for the defendants, Gary Feuz and Feuz Manufacturing, Inc., in the above-captioned litigation;
2. The defendants are represented in their current business transactions by Peter Pastore of the firm of McNamee, Lochner, Titus & Williams, PC of Albany, NY;
3. Attorney Pastore and I have consulted frequently over the last several business days concerning the defendants' affairs and the within litigation;
4. Attorney Pastore has represented to me that the sale of the defendants' assets will take place no earlier than the end of November;
5. Attorney Pastore has also represented to me that the defendants have several outstanding accounts receivable with the reach and apply defendant General Electric Company ("GE"), that GE is a substantial source of income owing to the defendants and that the negotiation with and payment of the defendants' creditors is dependent upon collecting the GE accounts receivable;

6. Attorney Pastore has also informed me that representatives of the reach and apply defendant Empire Recycling Operations, Inc., ("Empire") have informed him that Empire is currently holding approximately \$50,000.00 due and owing to the defendants and will not transfer or otherwise distribute this money until directed by an appropriate court order or the mutually agreed direction of the parties;
7. Attorney Cameron Pease, plaintiff's counsel, represented to me during a telephone conversation on Friday, November 5, 2004, that he was aware of the circumstances with Empire and acknowledged his awareness of Empire's position with respect to the \$50,000.00 account receivable;
8. Attorney Pastore has also informed me that representatives of Hussey Copper, LTD ("Hussey") have informed Mr. Feuz that Hussey is willing to contribute \$15,000.00 toward the settlement of the claims which are the subject of the defendants' *Counterclaim*;
9. Attorney Pease represented to me during a telephone conversation on Friday, November 5, 2004 that he was aware of Hussey's involvement and acknowledged his awareness of Hussey's willingness to contribute \$15,000.00.

SIGNED UNDER THE PENALTIES AND PAINS OF PERJURY THIS 8th DAY
OF NOVEMBER 2004.



Michael B. Flynn, Esq.

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